

ORDINANCE NO. 177

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, TO AMEND THE TOWN CODE OF FLAGLER, COLORADO, TITLE 9, CHAPTER 2, SECTION 2, CONCERNING THE IMPOSITION OF AN APPLICATION FEE CONCERNING DEVELOPMENT INCENTIVES.

Whereas, the Town of Flagler, hereinafter referred to as the “Town”, in the County of Kit Carson, and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, the Town Code contains certain development incentives to encourage the location of new business within the Town, such incentives set forth in Title 9, Chapter 2 of the Flagler Town Code; and

Whereas, the Board of Trustees, hereinafter referred to as the “Board”, has determined that it is appropriate and in the best interests of the citizens of the Town to amend Title 9, Chapter 2, Section 2 of the Town Code so as to require applicants for the incentives to deposit funds sufficient to cover the costs of administration and review of the application in the event the application is not approved;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, COLORADO:

SECTION 1 – AMENDMENT OF TITLE 9, CHAPTER 2, SECTION 2.

Upon the adoption and date of enforcement of this Ordinance, Title 9, Chapter 2, Section 2, shall be deleted in its entirety and restated as follows:

“9-2-2: APPLICATION: Any application for development incentive through the grant of a parcel or parcels of real property shall be made to the Town Clerk. If the Application is made at least thirty (30) days prior to a regular meeting of the Board, the Board shall give initial consideration to the application at that regular meeting. Otherwise, the first consideration to an application shall be made at the next available special or regular meeting of the Board. The application shall contain narratives and sketch plans, as well as other relevant information, sufficient to inform the Board of the nature of the request and the nature of the business that the Applicant proposes to locate within the Town. When possible, the application shall address those factors set forth in Section 9-2-3 below. After the initial meeting, the Board may continue consideration of the request to allow for more information to be submitted by the Applicant which the Board feels is necessary to consider prior to proceeding with the request. Each application shall be accompanied with a deposit equal to Ten Dollars (\$10.00) times the amount of acreage which the Applicant wishes to have awarded in his

or her application. The application deposit shall be held in the Town's escrow fund. The funds will be applied by the Town towards the administrative and other costs incurred by the Town in negotiating and finalizing the application, including required legal and engineering costs. However, upon the commencement of the construction of the improvements, as contemplated in the Development Agreement, the entire deposited amount shall be returned to the Applicant.

SECTION II – VALIDITY.

If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

SECTION III – REPEAL.

Upon adoption and enforcement of this Ordinance, existing or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION IV – EFFECTIVE PERIOD.

This Ordinance, upon passage, shall be published at the first available time, and shall take affect thirty days from the date of publication. The Clerk is required to record this Ordinance in the Book of Ordinances and to arrange for publication as required by statute.

Adopted and Approved this ____ day of _____, 2008.

Signed by _____
Mayor

(S E A L)

Attest:

Town Clerk